

ASSEMBLY BILL

No. 2239

Introduced by Assembly Member Chesbro

February 21, 2014

An act to amend Sections 4593.10 and 4597.9 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 2239, as introduced, Chesbro. Forest practices: management plans: change of ownership.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection. A violation of the act is a crime.

Existing law authorizes a person who intends to become a working forest landowner, as defined, or nonindustrial tree farmer, as defined, to file a working forest management plan or a nonindustrial timber management plan, as applicable, with the department, with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of the plan. Existing law requires, in the event of a change of ownership of the land described in the working forest management plan, the landowner to notify the new landowner of the existence of the plan and the need to notify the department of the new landowner's intent regarding assumption of the plan. Existing law provides the new landowner one year from the date of the receipt of the notification by the department to notify the department in writing

of the assumption of the working forest management plan and if the department does not receive notification within this period, the plan expires. In addition, existing law requires a nonindustrial timber management plan to expire 180 days from the date of change of ownership unless the new timberland owner notifies the department in writing of the change of ownership and his or her assumption of the plan.

This bill would, in the event of change of ownership of land described in a nonindustrial timber management plan, require a transferring landowner to notify the acquiring landowner of the existence of the plan and the need to inform the department if he or she intends to assume the plan.

This bill would require, upon change of ownership of land described in either a working forest management plan or a nonindustrial timber management plan, the transferring landowner to send the department a copy of the notice provided to the acquiring landowner. The bill would require the department to provide the acquiring landowner with the notice if the transferring landowner fails to provide it and the department discovers the change of ownership. The bill would give the acquiring landowner one year from the date of the receipt of either notice to notify the department of his or her intent to assume the plan. The bill would authorize the department to cancel the plan if no notice is received within this period.

Because this bill would impose new duties on a landowner, a violation of which would be a crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4593.10 of the Public Resources Code
- 2 is amended to read:
- 3 4593.10. ~~In the event of a~~ (a) Upon a change of ownership of
- 4 the land described in the nonindustrial timber management plan,

1 the plan shall expire 180 days from the date of change of ownership
2 unless the new timberland owner notifies the department in writing
3 of the change of ownership and his or her assumption of the plan.
4 *transferring landowner shall provide the acquiring landowner*
5 *with written notice that discloses the existence of the plan and*
6 *informs the acquiring landowner of the need to notify the*
7 *department if the acquiring landowner intends to assume the plan.*
8 *The transferring landowner shall also send the department a copy*
9 *of the notice provided to the acquiring landowner.*

10 (b) *If the transferring landowner fails to provide the notice*
11 *required in subdivision (a) and the department discovers the*
12 *change of ownership, the department shall provide the acquiring*
13 *landowner with the notice described in subdivision (a).*

14 (c) *The acquiring landowner shall have one year from the date*
15 *of the receipt of the notice required pursuant to subdivision (a) or*
16 *(b), whichever is applicable, to notify the department in writing*
17 *of his or her assumption of the plan. If the department does not*
18 *receive notification within this period, the department may cancel*
19 *the plan.*

20 SEC. 2. Section 4597.9 of the Public Resources Code is
21 amended to read:

22 4597.9. ~~In the event of a~~ (a) *Upon a change of ownership of*
23 *the land described in the working forest management plan, the*
24 ~~working forest transferring landowner shall notify the new~~ *provide*
25 *the acquiring landowner of with written notice that discloses the*
26 *existence of the plan and informs the acquiring landowner of the*
27 *need to notify the department of the new landowner's intent*
28 ~~regarding assumption of the~~ *if the acquiring landowner intends to*
29 *assume the plan. Notification shall be in writing with a copy to*
30 ~~the department of the new landowner's intent regarding assumption~~
31 ~~of the plan. The new~~ *The transferring landowner shall also send*
32 *the department a copy of the notice provided to the acquiring*
33 *landowner.*

34 (b) *If the transferring landowner fails to provide the notice*
35 *required in subdivision (a) and the department discovers the*
36 *change of ownership, the department shall provide the acquiring*
37 *landowner with the notice described in subdivision (a).*

38 (c) *The acquiring landowner shall have one year from the date*
39 *of the receipt of the notification by the department notice required*
40 *pursuant to subdivision (a) or (b), whichever is applicable, to*

1 notify the department in writing of his or her ~~assumption of the~~
2 *intent to assume the* plan. If the department does not receive
3 notification within this period, ~~the plan shall expire one year from~~
4 ~~the date the new landowner is advised by the department of the~~
5 ~~necessity to assume the plan~~ *the department may cancel the plan.*
6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.